IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 15740 of 2004

Between:

S. Ananteswara Sharma @ S.A. Sharma s/o S. Satyanarayana
Attender S.E.S.S.N. Murthy Polytechnic, Sharadanagar, Khammam

..... PETITIONER

AND

1 The Director of Technical Education, Burgula Ramakrishna Rao Bhavan, Hyderabad
2 The Secretary and correspondent, SESSN Murthy Polytechnic, Sharadanagar Khammam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction mostly one which is in the nature of a Writ of Mandamus declaring the inaction of the Respondents in filling up the vacancy of Junior Instructor in Electrician Trade as per the notification dt 22-11-2003 published in the Hindu daily newspaper dated 26-22-2003 having filled-up the other notified vacancies as illegal, irregular, arbitrary, unreasonable, unconstitutional, unreasonable, unjustified and unsustainable and directing the Respondents to forthwith appoint the petitioner as Junior Instructor in Electrician Trade giving due preference for his service in the college.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR TECHNICAL EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking to declare the action of the respondents in not filling up the vacancy for the post of Junior Instructor in Electrician Trade as per the notification, dated 22.11.2003, as arbitrary and illegal.

The respondents filed counter affidavit stating that in pursuance of the said notification, the Selection Committee conducted interviews on 28.1.2004 and 29.1.2004, but it did not find any candidate suitable for appointment to the post of Workshop Junior Instructor in Electrician Trade as all the candidates did not possess either the qualification or the experience. Since none of the candidates, who appeared for the interview was selected by the Selection Committee, nobody was appointed in the said post.

Heard the learned counsel for both the parties and perused the material on record.

In view of the counter affidavit filed by the respondents, there is no lis to be adjudicated and no orders need to be passed in this writ

petition inasmuch as the respondents have already taken steps to fill up the vacancies and the Selection Committee did not find any candidate suitable for appointment to the post. Therefore, the writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to seek remedies as may be available under law. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

25th January, 2004.

bcj

To

1 The Director of Technical Education, Burgula Ramakrishna Rao Bhavan, Hyderabad

2 The Secretary and correspondent, SESSN Murthy Polytechnic, Sharadanagar Khammam

3 Two C.Cs. to the Government Pleader for Technical Education,

High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies